

Applicant	:	J. Stuart Cumming
Appl. No.	:	09/943,910
Examiner	:	Christopher D. Prone
Docket No.	:	13533.4030

Remarks

Favorable reconsideration of this application is requested.

By the present amendment, the active independent claims have been amended to more precisely define over the cited art. In order to properly obtain accommodation, hinges or a thinner portion adjacent the optic as seen in the various Figures between the haptics and the optic is important and necessary. This thinner portion extends transversely across the haptics as seen in most of the Figures of the present application including elected Figs. 10 and 11. As to the cited Kelman patent, there is no like nor similar thinner portion extending transversely across the haptics as presently claimed. Furthermore, it is respectfully submitted that the Kelman lens is not an accommodating intraocular lens nor a flexible accommodating intraocular lens. Nor is that of Schlegel.

Considering further the combination of Kelman and Schlegel, first it is submitted that because of the substantially different lenses, particularly the Fresnel lens of Schlegel being substantially different from that of Kelman, one of ordinary skill in the art would not likely combine the teachings of the two. More importantly, the real thrust of Kelman is to provide a support structure 48 that readily yields to normal distortions of the eye to minimize the eye trauma attributable to distortion related stresses within the eye. Combining the teachings of Schlegel as seen in Figs. 8, 11 and 12 as suggested by the Examiner clearly would defeat the intended purpose of the Kelman lens.

In view of the foregoing, it is respectfully submitted that claims 9-14, 17, 21-22, 25-27, 30-55, 57, 59 and 60 define patentable subject matter over the cited patents.

A Notice of Allowance is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

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The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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